

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

MONICA WELLS, on behalf of  
M.W. a minor, and others similarly  
situated,

PLAINTIFF

VS.

REBEKAH GEE, Secretary of  
Louisiana Department of Health,  
and the LOUISIANA  
DEPARTMENT OF HEALTH,

DEFENDANTS

\* C.A. NO. 3:14-cv 00155-BAJ-RLB  
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\* JUDGE JACKSON  
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\* MAGISTRATE JUDGE BOURGEOIS  
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\* CLASS ACTION  
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**Joint Stipulation in Settlement of 2018 and 2019 Motions to Enforce**

The Parties submit this document in resolution of the Plaintiffs' 2018 Motion To Enforce (Rec-Doc 88) and 2019 Motion to Enforce (Rec-Doc 103) currently pending in this Court (hereafter "the Enforcement Motions"). In resolution of these motions the parties agree as follows:

In the following provisions, the terms denial, denying, and denied shall include both partial and complete denials of requested items or services.

- 1) Defendants shall develop a template for notices denying psychosocial rehabilitation (PSR) and community psychiatric support and treatment (CPST). Defendants shall transmit a copy for Plaintiffs' review by October 10, 2019 and Plaintiffs shall provide edits by October 17, 2019. If there remain outstanding

issues after this exchange, the parties shall negotiate in good faith to seek resolution. This template shall be designed to:

- a. Address the ways in which notices describe clinical conclusions reached by the medical reviewer as to the need for requested services. The template shall be designed to explain to class members the considerations that played a role in the assessor's determination of how many hours or amounts of the item or service and explain the determinative facts considered in making the denial. If the denial is based solely on mistakes made during the prior authorization process (i.e. missing signature, no supporting documentation) such a statement shall not be required.
- b. Individually tailor notices of denial or partial denial when explaining Defendants' justification for denial of services.
- c. Refrain from using justifications for denials or partial denials based only on age. If a child is being denied PSR or CPST due to concerns about cognition, the denial shall explain that cognition is the basis for denial and explain why the class member's specific cognitive abilities do not meet the necessary standard.

2) Notices denying wheelchairs, standers, and similar equipment and/or additional features for such equipment shall:

- a. Include specific and individualized justifications for the denial of each wheelchair feature being denied. These justifications shall address why the evidence and statements submitted by the authorizing physician or

physical therapist are not adequate to support eligibility for the equipment requested.

- b. As to items denied as convenience items, when there is a specific reason given by the medical provider for the items necessity, the notices must articulate why each recommendation was rejected. Saying it is a convenience item without giving a reason why the conclusion was reached, is insufficient.
- 3) Defendants shall develop a template for notices denying services because a Managed Care Organization failed to reach a timely decision. The template shall include information explaining that class members may present evidence of eligibility at an administrative hearing. Defendants shall transmit a copy for Plaintiffs' review by October 10, 2019 and Plaintiffs shall provide edits by October 17, 2019. If there remain outstanding issues after this exchange, the parties shall negotiate in good faith to seek resolution.
- 4) Defendants shall revise the template for notices denying or partially denying Pediatric Day Health Care (PDHC). In revision, Defendants shall consider how to more effectively explain why the needs identified by the documentation submitted are inappropriate for nursing services. Defendants shall transmit a copy for Plaintiffs' review by October 10, 2019 and Plaintiffs shall provide edits by October 17, 2019. If there remain outstanding issues after this exchange, the parties shall negotiate in good faith to seek resolution.
- 5) In any listing of medical treatments that may make a class member eligible for EHH or PDHC, include the following sentence, "These are only some of the

medical needs that would qualify for [Extended Home Health/ Pediatric Day Health Care] Services. Other needs not listed can make someone eligible for [Extended Home Health/Pediatric Day Health] Care.”

- 6) Defendants shall develop a template for notices denying hospital dentistry. The template shall list the reasons given for requesting the service by the requesting dentist and shall explain why each reason was found insufficient to meet eligibility criteria. Notices shall not rely on boilerplate language such as “the information that your dentist submitted does not show that your condition requires treatment in the hospital,” when denying a class member for hospital dentistry. Defendants shall transmit a copy for Plaintiffs’ review by October 10, 2019 and Plaintiffs shall provide edits by October 17, 2019. If there remain outstanding issues after this exchange, the parties shall negotiate in good faith to seek resolution. If the creation of the template is not technologically feasible, the notice shall alert class members of an addendum listing the information contained above. If the addendum is not technologically feasible, Defendants shall have no further obligations under this Agreement regarding hospital dentistry. In the event of infeasibility, Defendants shall give Plaintiffs a written explanation of the infeasibility by October 1, 2019.
- 7) Pursuant to ¶30 of the Stipulation (Rec. Doc. 15-1), Defendants shall pay Plaintiffs \$60,000 for attorney fees and costs. This payment shall constitute the full and final payment of all fees and costs under this suit.

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